

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

FIRMUS MANAGEMENT AND §
CONSTRUCTION LLC, §
Plaintiff § § No. 1:22-CV-00735-DAE
v. §
THIRD COAST INSURANCE §
COMPANY, §
Defendant §

ORDER

Before the Court is Defendant Third Coast Insurance Company's Objections and Motion to Strike the Summary Judgment Evidence of Plaintiff, Firmus Management and Construction LLC, Dkt 48. The District Judge referred the motion to the undersigned for disposition. The Court set the motion for hearing, Dkt. 53, and after considering the parties' filings, the applicable law, and the arguments made at the hearing, the Court announced its ruling, and the reasons for that ruling, on the record. This written order memorializes that oral ruling.

For the reasons stated on the record, the Court **GRANTS IN PART and DENIES IN PART** Third Coast's motion, Dkt. 48. The Court **ORDERS** that the following language be struck from the summary-judgment record:

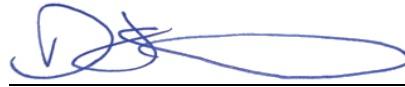
Declaration of Michael LoGuidice, Dkt. 45-1, at 2, ¶ 1: "measure the actual loss of rents sustained by the Mueller Flats Apartment complex ('Mueller') due to Winter Storm Uri ('Uri') covered by Third Coast Insurance Company ('Third Coast') Policy Number PROPSTR7-031248-20 (the 'Policy')."

Declaration of Cary Krier, Dkt. 45-2, at 3, ¶ 5, opening sentence: “All contractors’ invoices for the repair of Mueller Flats following Uri”; “that was caused by Uri and its aftermath.”

Declaration of Cary Krier, Dkt. 45-2, at 3, ¶ 5, closing sentence: “All of these repairs, additional expense, and corresponding cost, were caused and made necessary by Uri.”

The Court **DENIES** Third Coast’s motion in all other respects.

SIGNED September 16, 2024.



DUSTIN M. HOWELL
UNITED STATES MAGISTRATE JUDGE